IN THE HIGH COURT OF JUDICATURE AT BILASPUR (CHHATTISGARH)

IN THE MATTER OF W.P. NO.2666/2001

PETITIONER : DEVI SINGH BAGHEL, SUB-ENGINEER, (PANCHAYAT & GRAM VIKAS DEPARTMENT) JANPAD PANCHAYAT GURUR, DURG, DISTRICT-DURG, CHHATTISGARH.

VERSUS

RESPONDENTS

1. STATE OF CHHATTISGARH, THROUGH SECRETARY, PANCHAYAT & GRAMIN VIKAS DEPARTMENT, MANTRALAYA, D.K.S. BHAWAN, RAIPUR, CHHATTISGARH.

2. STATE OF MADHYA PRADESH THROUGH SECRETARY, PANCHAYAT & GRAMIN VIKAS DEPARTMENT, MANTRALAYA, VALLABH BHAWAN, BHOPAL, MADHYA PRADESH.

3. STATE ADMINISTRATIVE TRIBUNAL, BENCH AT RAIPUR (CHHATTISGARH)

P. R. No. 2667 Received by Shri ... Advocate on 14/11/2001

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

XI-HC-22

(18)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P.NO. 2666/2001 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

08.02.2002.

Heard Shri Kishore Bhaduri, learned counsel for petitioner and Dr. N.k. Shukla, Addl. Adv. General with Shri Deep Kesharwani panel lawyer for the State.

This petition is listed for interim orders prayed by the petitioner in this petition.

With the consent of learned counsel for the petitioner and Addl. Adv. General for State, the petition is disposed of on merits.

The petitioner has in this petition sought for quashing of the order (Annexure P-1) passed by respondent No.1. It is seen from the order (Annexure P-1) that the Tribunal has found that the case of the petitioner is not a fit case for admitting the petition. The tribunal has passed the order as per Annexure P-4 with the following observations:-

> " In view of the above discussion, I am of the opinion that the petition of the applicant is not liable to be admitted for final hearing. But, it is also a settled norms that every employer is supposed to consider and

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आदेश पत्रक (पुर्वानुबद्ध)

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

decide the representation made by its employee. It is, therefore, ordered that on a certified copy of this order sheet along with a copy of representation being submitted by the petitioner regarding allocation list and his option for M.P. before the competent authority concerned, the said authority may consider and shall decide the representation made by the petitioner within one month of filing th said documents before the said authority by the petitioner.

The competent authority is expected to see the fact regarding choice of the applicant to serve in M.P. and the allocation list Annexure P-3 by virtue of which the applicant has been chosen for service in M.P."

It is submitted by the learned counsel for the petitioner that in pursuance to the aforesaid order passed by the tribunal the petitioner has given a representation to the competent authority i.e. respondent No.1. In the facts and circumstances of the case it is appropriate to disposed of the petition with a direction to respondent No. 1 to consider the representation given by the petitioner in pursuance of the order passed by the tribunal (Annexure P-4) and pass appropriate orders in accordance with law.

(19)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

Ordered accordingly. The petition is disposed of.

The first respondent is directed to consider the representation and pass appropriate orders within one month from the date of receipt of copy of this order. If the petitioner has not filed any representation before the first respondent, he is permitted to do so within seven days from today. On such representation being made by the petitioner the first respondent is directed to consider the representation and pass appropriate orders within a month from the date of filing of representation.

Sd/-
Chief Justice

Sd/-
Fakhruddin
Judge